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IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the
fifteenth report of the International Labour Organisation under article 18
of the International Covenant on Economic, Social and Cultural Rights,
submitted in accordance with Economic and Social Council resolution 1988 (LX).

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PART I

Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office¹ to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialised agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to Articles 6-10 of the Covenant; and (b) indications concerning ratifications of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the Governing Body of the International Labour Office following examination of complaints alleging violation of trade union rights.²

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

General considerations

In previous reports, the Committee of Experts has commented on several occasions on the relationship between the provisions of the Covenant and the standards laid down in international labour Conventions, the nature of the obligations resulting from them and the way in which the Committee of Experts consequently presented its comments on the implementation of the Covenant. Upon the completion of the first cycle of the reporting programme on the Covenant, the Committee of Experts recalled these general observations in the ILO's sixth report (E/1983/40), which it hoped would be useful to States Parties and would be of interest for the examination of the application of the Covenant. The main points of these observations were also recalled in the ILO's tenth report (E/1988/6). Consequently, reference is made to the reports in question.

¹ Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

² Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the First Session of the Preparatory Committee for the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

PART II

A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 of the Covenant.³ Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
 Forced Labour Convention, 1930 (No. 29)
 Fee-Charging Employment Agencies Convention, 1933 (No. 34)
 Employment Service Convention, 1948 (No. 88)
 Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)
 Abolition of Forced Labour Convention, 1957 (No. 105)
 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
 Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
 Employment Policy Convention, 1964 (No. 122)
 Paid Educational Leave Convention, 1974 (No. 140)
 Human Resources Development Convention, 1975 (No. 142)
 Workers with Family Responsibilities Convention, 1981 (No. 156)
 Termination of Employment Convention, 1982 (No. 158)
 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
 Employment Promotion and Protection Against Unemployment Convention, 1988
 (No. 168), Part II

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
 Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
 Minimum Wage-Fixing Convention, 1970 (No. 131)

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
 Weekly Rest (Industry) Convention, 1921 (No. 14)
 Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
 Forty-Hour Week Convention, 1935 (No. 47)
 Holidays with Pay Convention, 1936 (No. 52)
 Holidays with Pay (Agriculture) Convention, 1952 (No. 101)

³ There are in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dockworkers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, indigenous and tribal peoples, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Occupational Cancer Convention, 1974 (No. 139)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organisations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)

Equality of Treatment (Social Security) Convention, 1962 (No. 118)
 Employment Injury Benefits Convention, 1964 (No. 121)
 Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
 Medical Care and Sickness Benefits Convention, 1969 (No. 130)
 Maintenance of Social Security Rights Convention, 1982 (No. 157)
 Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
 Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
 Minimum Age (Sea) Convention, 1920 (No. 7)
 Minimum Age (Agriculture) Convention, 1921 (No. 10)
 Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
 Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
 Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
 Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
 Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
 Minimum Age (Fishermen) Convention, 1959 (No. 112)
 Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
 Minimum Age (Underground Work) Convention, 1965 (No. 123)
 Minimum Age Convention, 1973 (No. 138)
 Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
 Night Work (Bakeries) Convention, 1925 (No. 20)
 Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
 Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
 White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
 Radiation Protection Convention, 1960 (No. 115) (Article 7)
 Maximum Weight Convention, 1967 (No. 127) (Article 7)
 Benzene Convention, 1971 (No. 136) (Article 11)
 Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
 Medical Examination (Seafarers) Convention, 1946 (No. 73)
 Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
 Medical Examination (Fishermen) Convention, 1959 (No. 113)
 Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

B. Indications concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratifications (excluding ratifications that were subsequently denounced) of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended, and should be consulted for further details.

The absence of any such references signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observations" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

1. Situation concerning Articles 6-9 of the Covenant

BELARUS, REPUBLIC OF

Information concerning this country was supplied in the second (E/1979/33) and the seventh (E/1985/63) reports of the ILO. For some cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

The Republic of Belarus has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 10, 11, 14, 15, 16, 27, 29, 32, 47, 52, 58, 59, 60, 77, 78, 79, 87, 90, 98, 100, 103, 106, 111, 115, 119, 120, 122, 123, 124, 138 and 142.

The Committee of Experts noted in a direct request in 1992 that the great majority of reports received did not contain any information in reply to the various questions included in the report forms which relate to such matters as the results of labour inspection, the number of workers protected, statistics of employment injuries and occupational diseases, judicial and administrative decisions involving questions of principle relating to the application of the Convention concerned, etc.

Article 6

The Committee of Experts noted in a 1992 direct request under the Forced Labour Convention, 1930 (No. 29), that the fundamental principles of penal legislation were currently under review, and expressed the hope that the Government would be able to adopt measures in conformity with the Convention.

In relation to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in a 1991 direct request the Committee of Experts requested information on measures to amend the legislation of the Byelorussian SSR. It also requested information on the measures taken to promote equality of opportunity and treatment of men and women, and on the promotion of e

equality of opportunity and treatment in employment and occupation irrespective of race, religion or national extraction.

Under the Employment Policy Convention, 1964, (No. 122), it was noted by the Committee of Experts in 1991 that a new orientation had been given to the Government's employment policy.

Article 7

As concerns the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted in its 1992 direct request that a new Act relating to Enterprises of the Byelorussian SSR came into force on 1 January 1991. It requested information on measures to make sure that all the elements of remuneration comply with the principle equal pay for work of equal value. The Committee also requested further information on the extent to which the wage differential has been reduced through application of the principle of the Convention.

In relation to the Radiation Protection Convention, 1960, (No. 115), the Committee of Experts made reference to its General Observation under this Convention and asked the Government to indicate, considering the matters raised in the conclusions to the General Observation the steps taken or being considered to ensure effective protection of workers against ionising radiations and to review maximum permissible doses of ionising radiation in the light of current knowledge.

Article 8

Under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it was noted by the Committee of Experts in its observation of 1991 that article 6 of the Constitution of the Byelorussian Republic had been amended, and now lays down the principle of pluralism for political parties and public organisations. It also noted that the Charter of the new Federation of Byelorussian Trade Unions and a Bill on the rights and guarantees of trade unions had been adopted at the Congress of Trade Unions of the Byelorussian Republic in October 1990.

CZECH AND SLOVAK FEDERAL REPUBLIC

Information concerning this country was supplied in the second (E/1979/33) and the eighth (E/1986/60) reports of the ILO. For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Czechoslovakia has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 1, 11, 12, 14, 17, 18, 19, 24, 25, 26, 27, 29, 34, 35, 36, 37, 38, 39, 40, 42, 44, 48, 52, 87, 88, 98, 99, 100, 102, 111, 115, 120, 122, 128, 130, 139, 140, 142, 148, 155, 159, 161 and 167.

Article 6

Comments made by the Committee of Experts in 1992 under the Forced Labour Convention, 1930 (No. 29), noted with satisfaction the repeal in 1990 of the provision under which a person who systematically avoided honest work and allowed himself to be maintained by somebody else or obtained his means of livelihood in some dishonest manner, was liable to imprisonment for up to three years.

In relation to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted in its 1992 observation that at its February-March 1992 Session the Governing Body of the ILO approved the report of the Committee set up to examine a representation made under article 24 of the ILO Constitution alleging non-observance by the Czech and Slovak Republic of Convention No. 111. The compatibility with the Convention of Act No. 451/1991 of 4 October, known as the "Screening Act", was examined. The Committee set up to

examine the representation considered the exclusions of specified categories of persons from different functions and occupations. The Committee of Experts has requested the Government to report on the measures taken to implement the recommendations given by the Committee set up under article 24.

As concerns the Employment Policy Convention, 1964 (No. 122), the Committee of Experts noted in its comments of 1992 the entry into force of a new Employment Act on the 4 December 1990. It also noted that unemployment, which appeared in 1990, has greatly increased since the beginning of 1991 and hoped that the Government would be able to supply statistical data in this regard. It noted that the unemployment rate was generally higher in the Slovak Republic than in the Czech Republic.

Article 9

In relation to the Medical Care and Sickness Benefits Convention, 1969 (No. 130), it was noted by the Committee of Experts that a reform of the sickness insurance scheme is being prepared and the planned legislation should be in line with the provisions of the Convention.

HUNGARY

Information concerning this country was supplied in the first (E/1978/27) and the seventh (E/1981/41) reports of the ILO.

For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Hungary has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 2, 3, 6, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 24, 26, 27, 29, 42, 48, 52, 62, 77, 78, 87, 98, 99, 100, 101, 103, 111, 115, 122, 123, 124, 135, 136, 139, 140, 142, 159, 161 and 167.

Article 6

In relation to the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted^u that the 1989 Constitution guarantees everyone the right to free choice of employment and occupation.

Under the Human Resources Development Convention, 1975 (No. 142), the Committee of Experts asked in its 1992 comments for information on the effect given to the Bill on vocational training.

In its 1991 observation on the Discrimination (Employment and Occupation), 1958 (No. 111), the Committee of Experts noted with satisfaction that the Constitution now ensures for every person within its territories human and civil rights, without distinction of any kind. The Labour Code has also been amended to extend the prohibition of discrimination also to discrimination based on political opinion. The Committee of Experts requested information on measures, within the framework of the current social and economic changes, to ensure the observance of equality of opportunity and treatment.

As concerns the Employment Policy Convention, 1964 (No. 122), it was noted by the Committee of Experts in 1991 that the country was experiencing big changes in the context of the accelerated transformation of the economy into a market system and thus a period of restructuring of the labour market. The Committee of Experts therefore requested information on the situation, level and trends of employment, unemployment and underemployment. The Committee also asked for information on the wage reform and other questions.

Article 7

In relation to the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted in its 1992 comments that the Government has not, for some years, provided sufficient information to allow an assessment of the extent to which the wage differential has been reduced through application of the principle of equal pay for work of equal value. The Committee of Experts therefore requested the Government to provide full information on this issue.

Under the Occupational Cancer Convention, 1974 (No. 139), the Government was requested in 1992 by the Committee of Experts to indicate whether it is still planning to revise Decree No. 4/1981/III.31/EUM as stated in previous reports and, if not, to indicate the measures taken or planned to make sure that workers receive medical examinations or other tests, as necessary, after leaving work involving exposure to carcinogenic substances.

Article 8

Comments made by the Committee of Experts in 1991 under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), noted with satisfaction the adoption of the new Constitution of 1989, of Act No. II of 1989 on the right to organise, and Act No. VII of 1989 on the right to strike. This established the possibility of trade union pluralism and guaranteed workers the right to call strikes to defend their economic and social interests.

As concerns the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts made reference to its previous comments and noted the amendments to the 1967 Labour Code, by Act No. V of 1989, which favoured collective bargaining as a means of settling conditions of employment. Two collective framework agreements had been concluded since the new Act came into force.

In its 1992 comments on the application of the Workers' Representatives Convention, 1971 (No. 135) the Committee of Experts noted that all rights recognised by the Labour Code for trade unions shall be afforded to representative bodies established explicitly for workers. Hence, the protection accorded to trade union officials is also applicable to elected workers' representatives in Hungary.

ITALY

Information concerning this country was supplied in the fifth (E/1982/41) report of the ILO.

For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Italy has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 1, 2, 11, 12, 14, 18, 19, 26, 27, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 48, 52, 81, 87, 88, 96, 98, 100, 101, 102, 105, 106, 111, 118, 119, 120, 122, 129, 132, 135, 139, 141, 142, 148 and 151.

Article 6

In relation to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts noted with interest, in its 1992 observation, Act No. 125 of 10 April 1991 on positive action for the attainment of equality between men and women at work, and its implementing Decrees. It asked the Government to transmit with its next report information on the implementation of Act No. 125, and practical information on those aspects of the national policy for the promotion of equality that relate to the criteria other than sex on the basis of which discrimination may be prohibited. It was also noted that a number of collective agreements have included special clauses designed to promote equality for women and establishing joint committees to that end. Collective agreements recently concluded contained a clause on the personal dignity

of the workers which prohibits sexual harassment and prescribes a procedure for dealing with cases of such harassment.

In its 1992 observation on the application of the Employment Policy Convention, 1964 (No. 122) the Committee of Experts noted the conclusions of the Conference Committee on the Application of Standards in June 1991, stating that, despite the Government's efforts, the employment situation had not been resolved and it remained worrying, especially with regard to discrepancies between regions and age groups, and between the sexes.

Article 7

In relation to the Labour Inspection Convention, 1947 (No. 81), the Committee of Experts noted in its 1992 observation that under draft legislation before the Senate many of the responsibilities relating to safety and health at work would be shifted back to the labour inspectorate, and that this would help to coordinate inspections.

Under the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) the Committee of Experts noted in 1992 that under Executive Decree No. 268 of 1987 a worker performing work on a public holiday falling on a day of rest following five days of work may opt for the equivalent compensatory rest or the payment of standard overtime. In these circumstances the Convention does not permit payment instead of compensatory rest time. The Committee of Experts therefore asked the Government to indicate what steps had been taken or are planned to ensure that this provision of the Convention is applied.

As concerns the Radiation Protection Convention, 1960 (No. 115), the Committee of Experts noted in its 1992 comments the adoption of the Legislative Decree of 30 July 1990 which gives effect to EURATOM Directives which lower the maximum level of exposure of workers to ionising radiation.

Comments made under the Occupational Cancer Convention, 1974 (No. 139) by the Committee of Experts noted the adoption of Legislative Decree No. 277 of 15 August 1991 which gives effect to a number of EEC directives concerning the protection of workers against hazards of exposure to chemical, physical and biological agents. No information had been provided concerning the practical application of the Convention and the Committee of Experts asked the Government to provide such information in its future reports.

As concerns the Equal Remuneration Convention, 1951 (No. 100), the adoption of Act No. 125 of 1991 was noted by the Committee of Experts in its 1992 comments under Convention No. 111. The Committee asked the Government to indicate specifically how far the wage differences between men and women had been reduced by the application of the Act. It further asked the Government to indicate how the application of the principle of equal remuneration is ensured as regards those elements of remuneration which are paid or granted in addition to the basic wage.

Article 9

In relation to the Equality of Treatment (Social Security) Convention, 1962 (No. 118) the 1992 observation by the Committee of Experts noted the reply to the Committee's previous comments concerning the nature of the "social pension" to which Italian citizens are entitled who are above the age of 65 years and who satisfy certain means criteria. The Government maintained its position that the pension has the character of an assistance payment and therefore falls outside of the scope of the Convention.

NEW ZEALAND

Information concerning this country has not been supplied previously.

New Zealand has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 1, 2, 10, 11, 12, 14, 15, 16, 17, 26, 29, 30, 32, 42, 44, 47, 52, 58, 59, 60, 81, 88, 99, 100, 101, 105, 111 and 122.

Article 6

In the Committee of Experts observation of 1992 under the Abolition of Forced Labour Convention, 1957 (No. 105), it was noted that the Government indicated in its report that it anticipated that the review of the Shipping and Seamen Act, 1952, would be completed and policy recommendations be made by mid-1992, to recommend the removal of the forced labour provisions of the 1952 Act with the adoption of an entirely new Act in 1993. The Committee of Experts recalled that it had been commenting on the same provisions for several years and expressed the firm hope that the Government would soon be able to report on progress made in the adoption of the necessary amendments to bring its legislation into conformity with the Convention.

As concerns the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts noted in its 1991 observation that the Employment Equity Act came into force on 1 October 1990 but was repealed in December 1990, because the Government did not consider that greater equity in employment opportunity would be achieved through the procedures put into place by the Act. It was further noted that following the repeal of the Employment Equity Act, the Government established a Working Party on Equity in Employment to evaluate equal employment opportunities initiatives and report to the Government on the most effective means of developing and implementing its equity in employment policy. The Committee hoped that the Government would adopt further measures concerning the policy on equality in employment following the recommendations of the Working Party.

In relation to the Employment Policy Convention, 1964 (No. 122) the Committee of Experts noted, in its 1991 observation, the deteriorating trend in employment.

Article 7

As concerns the Equal Remuneration Convention, 1951 (No. 100) it was noted by the Committee of Experts in its 1992 observation that the Equal Pay Act, 1972 had been amended by the Equal Pay Amendment Act, 1991. The amendment means that it is now unlawful for employers to refuse or omit to offer or afford any person the same terms of employment, conditions of work, fringe benefits, and opportunities for training, promotion and transfer as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description by reason of the sex of that person. The enactment of the Employment Contracts Act, 1991 was also noted which, according to the Government, reflected its policy that the determination of rates of remuneration is the sole responsibility of the parties to the employment contract. Information was requested by the Committee of Experts concerning the implementation of these Acts. The Committee of Experts also noted statistical data provided by the Government which indicates that women's average hourly earnings are about 80-81 per cent of men. The Committee hoped that some of the problems and limitations to reductions in the wage differential, such as education, training, and women's family responsibilities, would be addressed in the context of the measures being taken to promote equality in general.

NICARAGUA

Information concerning this country was supplied in the eighth (E/1986/41) report of the ILO.

For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Nicaragua has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 1, 2, 11, 12, 14, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 87, 88, 98, 100, 105, 111, 119, 122, 131, 135, 139, 140, 141 and 142.

Article 6

In its comments under the Employment Service Convention, 1948 (No. 88), the Committee of Experts noted that national employment advisory committees were functioning until March 1988 and since that time their activities have been suspended. The Committee of Experts further noted that the Civil Service Act has been suspended as long as there are no regulations issued under it. It requested information on the legal status and conditions of service of employment service staff.

In relation to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) it was noted by the Committee of Experts in 1992 that the Women's Bureau is in the process of closing down but that the Institute for Women has been created instead. It requested information on all measures taken or contemplated to promote in practice the principle of equality laid down in the Political Constitution of 1987 and on the action taken with regard to ethnic minorities.

As concerns the Social Policy (Basic Aims and Standards), 1962 (No. 117), the Committee of Experts noted in its comments of 1992 the Government's indication that it is elaborating the draft Labour Code with the assistance of the ILO and requested the Government to keep it informed. The Committee of Experts requested the Government once again to provide information on the magnitude and direction of migratory flows within the country, as well as information on international migration.

In its 1991 comments under the Employment Policy Convention, 1964 (No. 122), the Committee of Experts noted that the Government had not replied to its previous comments. In 1990 the Committee of Experts had expressed its concern at the continued deterioration of the economic situation and its impact on the labour market, and asked the Government to submit information on the consultations held with representatives of employers' and workers' organisations and of the persons affected, including those working in the rural and informal sectors.

Article 7

The Committee of Experts has noted, in comments under a certain number of ILO Conventions, the absence of legislation, regulations and other measures which would give effect to the requirements of these instruments on occupational safety and health. See the attached comments on the following Conventions:

- White Lead (Painting) Convention, 1921 (No. 13)
- Radiation Protection Convention, 1960 (No. 115)
- Guarding of Machinery Convention, 1963 (No. 119)
- Maximum Weight Convention, 1967 (No. 127)
- Benzene Convention, 1971 (No. 136)
- Occupational Cancer Convention, 1974 (No. 139)

Article 8

As concerns the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee of Experts noted in a 1992 observation the information concerning compliance with the recommendations made by the Commission of Inquiry appointed under article 26 of the ILO Constitution to examine the complaint against Nicaragua concerning the application of Conventions Nos. 87, 98 and 144. The Committee of Experts further noted that the Government has prepared a draft Labour Code taking into account the observations of the Committee of Experts, of the Commission of Inquiry and of the Office.

In its observation of 1992 under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts also made reference to the recommendations made by the Commission of Inquiry, as mentioned above. It reminded the Government of its observations concerning the need to repeal Decree No. 530 of 24 September 1980, subjecting collective agreement to the prior approval of the Ministry of Labour before they can come into force.

Article 9

The Committee of Experts made comments on several questions concerning the absence or inadequacy of provisions for workmen's compensation under the following Conventions:

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)

Workmen's Compensation (Accidents) Convention, 1925 (No. 17)

Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)

NORWAY

Information concerning this country was supplied in the second (E/1979/33) and the seventh (E/1985/63) reports of the ILO.

For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Norway has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 2, 11, 12, 14, 16, 18, 19, 24, 25, 26, 27, 29, 30, 32, 34, 42, 44, 47, 81, 87, 88, 96, 98, 100, 101, 102, 105, 111, 118, 119, 120, 122, 128, 129, 130, 132, 135, 139, 141, 142, 148, 151, 152, 154, 155, 156, 159, 162, 167 and 168.

Article 6

Further to earlier comments made under the Fee-Charging Employment Agencies (Revised) Convention, 1949 (No. 96), the adoption of various Regulations was noted by the Committee of Experts in its 1992 comments. It requested information on their application.

As concerns the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts made reference in its 1991 comments to earlier comments on the application of Article 1(2) of the Convention and section 55 of the Worker Protection and Working Environment Act. Section 55A of that Act is drafted in such a way that employers could question job applicants about their political, religious or cultural where such views are not relevant to the inherent requirements of a given job. In this respect the Committee of Experts noted from the Government's report that a possible revision of section 55A would be considered by a Government-appointed tripartite committee currently charged with discussing a large-scale revision of the above-mentioned Act and that the results of this work was expected to be available at the end of 1991. The Committee of Experts therefore expressed the hope that section 55A of the Act would be worded, interpreted and applied in a manner which does not conflict with the Convention and does not permit discrimination on the grounds of race, colour, sex, religion, political opinion, national

extraction or social origin, excepting "in respect of a particular job based on the inherent requirements thereof".

In its 1992 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts noted that there were worrying developments in the employment situation according to the Government's report, including a drop in employment and the contraction of the labour market. It was further noted that in order to deal with unemployment, the scope of various labour market policy measures had been considerably extended. The Committee of Experts hoped that the Government would continue to supply detailed information on the various labour market policy programmes and measures.

As concerns the Workers with Family Responsibilities Convention, 1981 (No. 156) it was noted by the Committee of Experts in 1990 that according to the Government few provisions deal with workers who are responsible for members of their family other than children. The Committee therefore asked the Government to indicate what measures have been taken or are planned to apply the various Articles of the Convention to workers with responsibilities in relation to members of their immediate family (other than their dependent children) who clearly need their care or support.

Article 7

In relation to the Equal Remuneration Convention, 1951 (No. 100) the Committee of Experts noted in 1992 the Government's statement that the number of complaints made to the Equal Status Ombudsman concerning equal pay contraventions under section 5 of the Equal Status Act seemed to have become stabilised at a relatively low level in relation to the pay inequalities that still exist. It further noted that as part of a modernisation of the public sector, new wage determination systems have been introduced for the central and local governments. The Committee of Experts asked the Government to continue reporting on the impact these new wage-fixing system have on the application of the Convention. The Committee of Experts has also noted the statistical data showing an acceleration in the trend towards greater equality, following a period of stagnation in the relative earnings of women and men in the 1980s.

In relation to the Radiation Protection Convention, 1960 (No. 115), the Committee of Experts noted in 1992 that there were no specific plans to introduce new provisions concerning maximum permissible doses for workers who are not directly engaged in work involving ionising radiation since the level of exposure is, in practice, low.

As concerns the Occupational Cancer Convention, 1974 (No. 139) the Government was requested by the Committee of Experts in its 1992 comments to indicate whether Toxic Substance Regulations had been issued.

Under the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), the Committee of Experts had noted in its previous comments that new Norwegian standards had been issued concerning vibration, but that the Labour Inspectorate had not yet adopted a formal position on the use of these standards. In its 1990 comments the Committee therefore requested the Government to supply information concerning progress in establishing exposure limits and protective measures with regard to vibrations.

Article 8

In its 1992 comments by the Committee of Experts under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it considered the conclusions of the Committee on the Freedom of Association in Case No. 1576, concerning the restrictions imposed on the right to strike by legislative means in the oil industry through the imposition of compulsory arbitration. It was pointed out by the Committee of Experts that the principle whereby the right to strike may be limited or prohibited in essential services would become meaningless if the legislation defined essential services too broadly.

Article 9

As concerns the Equality of Treatment (Social Security) Convention, 1962 (No. 118) the Committee of Experts noted with interest that the convention on social security concluded with the Netherlands, provides that each member State accepts the obligation to pay family allowance on reciprocal terms in respect of the children residing in its own territory.

POLAND

Information concerning this country was supplied in the second (E/1979/33) and the eighth (E/1986/60) reports of the ILO.

For a number of cases the questions previously raised have been reiterated in more recent comments by the ILO. Additional information is provided below.

Poland has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): Conventions Nos. 2, 11, 12, 14, 17, 18, 19, 24, 25, 27, 29, 35, 36, 37, 38, 39, 40, 42, 48, 62, 87, 96, 98, 99, 100, 101, 105, 111, 119, 120, 122, 135, 140, 141, 142 and 151.

Article 6

In relation to the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted in its 1992 comments that members of the youth brigades serve in the civil defence service. It therefore asked the Government to provide information on the youth brigades, stating in particular the length and the nature of the service, whether it is voluntary or compulsory, and whether it is performed in place of or as well as military service.

Under the Fee-Charging Employment Agencies (Revised) Convention, 1949 (No. 96), the Committee of Experts asked in 1992 for clarification on who may be authorised to act as an employment agency under the Act respecting employment and unemployment. It also asked the Government to indicate whether fee-charging agencies had been established in practice, and to describe the measures for the supervision of the activities.

In relation to the Abolition of Forced Labour Convention, 1957 (No. 105) the Committee of Experts noted with satisfaction, in its 1992 observation, the repeal of the Act of 28 April 1952 respecting work on board Polish seagoing vessels in international navigation which has been replaced by the Act of 23 May 1991 respecting work on board seagoing merchant vessels. The old legislation contained certain provisions concerning the discipline of seafarers and had been the subject of the Committee of Experts' comments for some years.

As concerns the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts noted with satisfaction, in its 1992 comments, the elimination of political criteria as a basis for the appointment or removal of judges. It further noted that a national committee had been set up for the revision of labour legislation and that a group of experts had been appointed to examine the conformity of the legislation with international labour standards relating to the protection of human rights. The Committee of Experts once again requested the Government to supply information on the measures taken to ensure that political opinion is not taken into account in connection with employment and the appraisal of skills in the public service. The Government was also asked to provide comprehensive information on the measures taken to promote equality of opportunity and treatment in the fields covered by the Convention.

In its comments by the Committee of Experts under the Employment Policy Convention, 1964 (No. 122), it was noted that the labour market data mention an unemployment rate of 9.8 per cent on 31 August 1991. The transition to a market economy is, according to the Government, accompanied by a downward trend in the overall level of employment and, since the beginning of 1991, the process of restructuring the economy has directly contributed to the increase in

unemployment. An ILO technical cooperation project was being carried out for the development of employment services, designed to strengthen the capacity of employment services in the areas of vocational guidance, placement, training and the promotion of employment and self-employment programmes. The Committee of Experts asked the Government to supply information on the result of this project, and on the active measures taken in general to combat unemployment and the results achieved.

Under the Human Resources Development Convention, 1975 (No. 142), the Committee of Experts made reference in 1992 to its comments under Convention No. 122. It asked the Government to provide detailed information on the new procedures for organising the vocational guidance system and all available statistical information on the practical application of the Convention.

Article 7

In relation to the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts requested the Government in 1992 to indicate the measures taken to ensure that individual enterprises evaluate, describe and grade jobs according to criteria that take into account those factors most prevalent in the work done by women. The Government was asked whether the provisions to introduce uniformity into methods of job evaluation, as described in the Government's report, continue to be applied.

Article 8

As concerns the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee of Experts noted in its 1992 comments that the new Acts of 23 May 1991 concerning trade unions, employers' organisations and the settlement of collective labour disputes apply the Convention to a large extent. In particular it noted with satisfaction that: (i) the possibility of trade union pluralism is set out in the law; (ii) workers have the right to strike; and (iii) trade unions no longer exercise functions related to labour discipline. The Committee of Experts, however, asked the Government to supply information on a number of questions concerning the implementation in practice of the rights provided for in the Convention.

In relation to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), it was noted with satisfaction by the Committee of Experts in 1992 that the new Act concerning trade unions no longer empowers the employer to make a unilateral decision concerning the conclusion or modification of a works collective agreement in the event that the trade union organisations have not reached an agreed position. It recalled, however, that legislation which permits the refusal of approval of a collective agreement on grounds other than the errors of pure form may amount to a requirement that prior approval be obtained before a collective agreement can come into force, which is not in conformity with the principles of voluntary negotiation established in Article 4 of the Convention.

Under the Workers' Representatives Convention, 1971 (No. 135) the Committee of Experts noted with satisfaction in its observation of 1992 that the new Trade Union Act of 23 May 1991 ensures better application of the Convention.

As concerns the Labour Relations (Public Service) Convention, 1978 (No. 151), the Committee of Experts noted with satisfaction in 1992 that the new Trade Union Act ensures better application of the Convention to persons employed in the state administration by removing the obligation on public employees and by restricting the scope of the provisions excluding certain public employees with highly confidential duties or managerial functions from the right to organise.

Situation concerning Article 10 of the Covenant

CZECH AND SLOVAK FEDERAL REPUBLIC

For previous indications see the Committee's fourth (E/1981/41) and ninth (E/1987/59) reports.

The Government has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): C. Nos. 5, 10, 13, 77, 78, 90, 123, 124 and 136.

Article 10(3)

As concerns both the Minimum Age (Industry) Convention, 1919 (No. 5), and the Minimum Age (Agriculture), 1921 (No. 10), the Committee of Experts requested information in 1992 on the practical application of the legislation giving effect to the Convention, following the adoption of Act No. 3/1991 amending the Labour Code.

In relation to the Minimum Age (Underground Work) Convention, 1965 (No. 123), the Committee of Experts noted with satisfaction the adoption of Decree No. 91/939/790 prohibiting underground work for workers under 21 years of age. This is an increase of 3 years, from 18 to 21 years of age.

ITALY

The ILO has not previously provided information on the application by Italy of this Article.

The Government has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): C. Nos. 3, 6, 7, 10, 13, 15, 16, 58, 59, 60, 73, 77, 78, 79, 90, 103, 112, 115, 117, 123, 124, 127, 136, and 138.

Article 10(2)

Under the Maternity Protection (Revised) Convention, 1952 (No. 103), the Committee of Experts noted, in its 1989 observation, the intention of the Government to modify Act No. 1204 of 1971 with a view to making rules governing the protection of pregnant women workers and working mothers against dismissal applicable to domestic workers, thus bringing the legislation into conformity with the Convention. The collective agreement for domestic work of 28 April 1987, noted by the Committee of Experts in its previous comment, is not in conformity with Article 6 of the Convention.

Article 10(3)

As concerns the Night Work of Young Persons (Non-Industrial Occupations), 1946 (No. 79), the Committee of Experts made a number of points in its 1991 comments concerning Circular No. 67/89, of 6 July 1989, addressed by the Ministry of Labour and Social Insurance to the inspection services, which lays down specific conditions according to the age of the young persons for the delivery of licences to children to participate in the preparation and presentation of performances and filming. The Committee of Experts expressed the hope that the necessary measures will be taken in the near future to bring the legislation into conformity with Convention on the above points.

In relation to the White Lead (Painting) Convention, 1921 (No. 13), the Committee of Experts noted in its 1992 comments that the general minimum age for working in dangerous or unhealthy work, including painting work involving the use of white lead, is 16 years by virtue of Decree No. 432 of 20 January 1976, and is applicable to both men and women. It was recalled by the Committee of Experts that Article 3(1) of the Convention provides that the employment of

males under 18 years of age and of all females shall be prohibited in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments. The Government was therefore requested to indicate the measures taken or envisaged in conformity with this Article of the Convention.

Comments made by the Committee of Experts in 1992 under the Minimum Age Convention, 1973 (No. 138) pointed out that the exception provided for in Article 7 of the Convention is intended to cover light work which is not likely to be harmful to the health or prejudice the school attendance of the persons concerned. The Committee of Experts requested information on measures to ensure that in agriculture the employment or work of children below the minimum age is permitted only for light work, as is presently the case in non-industrial branches of activity.

NICARAGUA

The ILO has not previously provided information on the application by Nicaragua of this Article.

The Government has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): C. Nos. 3, 5, 6, 7, 10, 13, 15, 16, 20, 77, 78, 115, 117, 127, 136 and 138.

Article 10(2)

As concerns the Maternity Protection Convention, 1919 (No. 3), it was noted by the Committee of Experts in its 1992 observation that, according to the Government, the present economic situation in the country does not allow it to assume the cost of cash benefits for women not yet covered by the social security scheme. The Committee of Experts, however, repeated its hope that the extension of the social security scheme might take place gradually, so that maternity cash benefits be paid throughout the national territory in conformity with Article 3(c) of the Convention "by means of a system of insurance", and not by the employer.

Article 10(3)

As concerns the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) and the Medical Examination of Young Persons (Non-Industrial Occupations), 1946 (No. 78), the Committee of Experts has for several years drawn the Government's attention to the absence of specific laws or regulations to give effect to the provisions of the Convention. In its 1992 comments the Committee noted also that the draft Labour Code contains no provisions to give effect to the provisions of the Convention. The Committee of Experts therefore hoped that the Government would make every effort not to delay adoption of the necessary measures in this context.

In relation to the Minimum Age Convention, 1973 (No. 138), it was noted by the Committee of Experts in 1992 that, according to the Government's report, the draft Labour Code, drawn up with the assistance of the ILO, should give full effect to the Convention. With that in view the Committee of Experts repeated a number of points from previous comments concerning certain provisions of the Convention.

NORWAY

For previous indications see the Committee's fourth (E/1981/41) and tenth (E/1988/6) reports.

The Government has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): C. Nos. 5, 7, 10, 13, 15, 16, 58, 59, 73, 90, 112, 113, 115, and 138.

Article 10(3)

As concerns the Minimum Age Convention, 1973 (No. 138), in its 1992 comments the Committee of Experts once again requested the Government to indicate whether the Act of 15 February 1918 concerning Industrial Work at Home had been revised to establish a minimum age of admission to such employment.

POLAND

For previous indications see the Committee's fourth (E/1981/41), ninth (E/1987/59) and eleventh (E/1989/6) reports.

The Government has ratified the following relevant Conventions (for full names see list of Conventions in Part II A above): C. Nos. 5, 6, 7, 10, 13, 15, 16, 73, 77, 78, 79, 90, 103, 112, 113, 115, 123, 124, 127 and 138.

As concerns the Maternity Protection Convention (Revised), 1952 (No. 103), it was noted by the Committee of Experts in 1990 that the termination of a woman worker's contract of employment without notice through her own fault during her pregnancy or maternity leave is now possible only if the works council has given its consent. Article 6 of the Convention prohibits giving notice of dismissal in any circumstance to a woman while absent from work on maternity leave or at such a time that the notice would expire during such absence.

ANNEX

Index of countries and of relevant information supplied
by the ILO since 1978

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